

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TYREE PATTERSON,

Plaintiff,

Case No. 08-10494

v.

Honorable John Corbett O'Meara

DETROIT POLICE OFFICER  
ANTHONY GRAVEL, *et. al.*,

Defendants.

/

**ORDER OF PARTIAL REMAND**

Defendants removed this matter to this court on February 1, 2008.<sup>1</sup> Plaintiff Tyree Patterson filed a five-count complaint in the Circuit Court for the County of Wayne, alleging constitutional violations pursuant to 42 U.S.C. § 1983, assault and battery, false arrest, false imprisonment, and malicious prosecution.

While alleged violations of 42 U.S.C. § 1983 and the United States Constitution are cognizable in this court pursuant to 28 U.S.C. §§ 1343, the remaining allegations present claims based on state law. Since the parties to this matter are not diverse, this court declines to exercise pendent jurisdiction over the latter claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1367(c). Thus, pursuant to 28 U.S.C. § 1367(c), Plaintiff's claims of assault and battery, false arrest, false imprisonment, and malicious prosecution are hereby **REMANDED** to the Circuit Court for the County of Wayne.

s/John Corbett O'Meara  
United States District Judge

Date: April 2, 2008

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<sup>1</sup>Defendants Geraldine Atkinson and Janetta Dewberry initiated removal proceedings. On March 2, 2008, Defendants Anthony Gravel, Willie Smith, and John Doe (Brian Russell as John Doe) concurred with the

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 2, 2008, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager